

# Appendix A

## Timberland Conversion Permit Application and Plan

1. Pursuant to Sections 4621-4628. Resources Code, and regulations contained in Title 14, California Code of Regulations, I

- 2.

Names: **Rodney Flourney**  
 Address: **P.O. Box 1**  
**Likely, CA 96116**

Phone: **530-233-4777**

Hereby apply to the Director of Forestry and Fire Protection for a Timberland Conversion Permit to exempt the timberland described herein, and shown on the attached map or plat as a part of this application, from forest practice stocking requirements for conversion to a non-timber growing use and/or to enable final immediate rezoning from TPZ.

3. Property description of area to be converted and/or rezoned from TPZ

<u>Subdivision(s)</u>	<u>Section</u>	<u>TWP</u>	<u>RNG</u>	<u>B&amp;M</u>
SW ¼ of the NE ¼				
E ½ of the SW ¼				
W ½ of the SE ¼	24	40N	14E	MD
NE ¼ of the NW ¼				
W ½ of the NE ¼	25	40N	14E	MD
NW ¼ of the NE ¼				
NE ¼ of the NW ¼				
W ½ of the SE ¼	36	40N	14E	MD

4. Acres of timberland to be converted: **259 acres**

5. The owner of record of this timberland is:

**Rodney Flourney**  
**P.O. Box 1**  
**Likely, CA 96116**

5. The recorded interest in this timberland is held under deed dated: 2-19-2008 recorded as document #20080000488-00 of official records in Modoc County. APN's: 29-04-11 & 29-06-8, #7438 OR dated 12/27/2002 APN 29-06-19, #7382 OR dated 11/06/2003 APN 29-06-23
6. This timberland is assessed in the name of: Rodney Flournoy
7. I intend to use this timberland in the future for grazing land for livestock.
8. Conversion will begin about upon signature, and be completed by December 31, 2012.
9. Is all or part of conversion area in a Timberland Production Zone (TPZ)? \_\_\_\_ Yes X No. If yes show the area in TPZ with diagonal black lines on the conversion plat or map, and complete the following items a through e. **TPZ zoning change is not necessary. The current zoning is Unclassified. The General Plan for these parcels is AE (Agricultural – Exclusive Zone).**
- a. Is a check or money order for \$100 payable to the California Department of Forestry and Fire Protection enclosed with this rezoning application as required? X Yes \_\_\_\_ No
- b. Has application for immediate rezoning from TPZ been made to the county or city having property tax jurisdiction? \_\_\_\_ Yes X No
- c. If applied for, has the county or city tentatively approved immediate rezoning from TPZ? \_\_\_\_ Yes X No. If yes give date \_\_\_\_\_.
- d. Is there any other property zoned TPZ within one mile of the boundary of the TPZ area proposed for immediate rezoning? \_\_\_\_ Yes X No. If no, explain why such non-TPZ lands area not suitable.
- e. Are there any proximate non-TPZ lands (on or off the property containing the TPZ proposed for rezoning) suitable for the proposed conversion use?  
No
11. Is any of the conversion area in a Coastal Zone as provided for by the California Coastal Act of 1976? \_\_\_\_ Yes X No. If yes, show the area in the Coastal Zone by horizontal black lines on the conversion plat or map, and complete the following item a.
- a. Has a Coastal Zone permit for the proposed conversion use been issued? \_\_\_\_ Yes X No. If yes, date of issuance
12. What element(s) of the county or city general plan apply to the area within which the timberland proposed for conversion is located? **Agricultural-Exclusive Zone**

13. What is the zoning classification for all or part of the proposed conversion area that is neither TPZ nor Coastal Zone (use the designated zone term such as "Agriculture-Forest", not a letter-number designation)? **Agricultural-Exclusive Zone**
14. Does the county, city or a district have a permit zoning, or other approval jurisdiction for the project that is the purpose of the conversion? \_\_\_ Yes **X** No. If yes, complete the following items a. through d. **The clearing of trees for grazing is permitted under the current Modoc County zoning.**
- a. Name of local government entity:
- b. Name the type of approval, zoning, or permit required:
- c. Has the local government agency submitted an environmental impact report of negative declaration to the State Clearinghouse as required by the California Environmental Act (CEQA) and regulations? \_\_\_ Yes \_\_\_ No.
- What is the State Clearinghouse Number?
- d. Has the local government granted the necessary approvals, zoning, or permits required for the project? \_\_\_ Yes \_\_\_ No.
- If no, explain in the appropriate section of the Timberland Conversion Plan.
15. All property owners must sign the following affidavit unless the owner is a partnership, corporation or other organization, in which case the signer must be a partner, corporate officer, or organization officer respectively. An owner's agent may sign the affidavit, if power of attorney designating the agency, and signed by all the owners, a partner, or corporate or organization officer, for these respective kinds of ownership's accompanies the application. If the affidavit or power of attorney is signed in state other than California, the **signature must be notarized.**

**AFFIDAVIT**

I own the herein described property, and declare a bona fide intent as defined in Section 1100(b), Title 14, California Code of Regulations to successfully complete conversion of herein described timberland for the stated purpose in accordance with the conversion plan and plat or map, all hereby acknowledged as a part of this application, and in accordance with the timberland conversion permit, timber harvesting plan, and conditions required through the California Environmental Quality Act and related regulations.

I understand that if the conversion falls or is abandoned, that I can be required to restock with trees those areas that do not comply with forest practice stocking requirements, so that such areas meet forest practice stocking requirements. I understand that if I fail to do so, the Director of Forestry and Fire Protection can have the restocking done, including necessary site preparation, and charge me with the costs.

I declare under penalty of perjury that I have fully read this application, conversion plan and plat or map, and that the information given therein is correct to the best of my knowledge,

Executed on Apr. 1<sup>st</sup>, 2009, at Alturas State of Calif.

Signature of Property Owner:

Rodney R. Flournoy owner  
Rodney R. Flournoy Title

**TIMBERLAND CONVERSION PLAN****INSTRUCTIONS**

Applicants must complete general section of this plan and such additional sections as may be appropriate for the specific future use to which the timberlands to be converted. You may attach supplemental pages to provide complete answers, or explain a use not covered. Code the supplemental or continued answers by using the appropriate question number, such as General-7, Grazing-5, etc. Additional information may be required as appropriate.

The Timber Harvesting Plan upon approval by the Director of Forestry and Fire Protection for the timber operations for this timberland conversion thereby becomes a part of this conversion plan.

In addition to the Timber Harvesting Plan itself, either the Director or the environmental review process may prescribe measures to reasonably ensure the success of the conversion or to provide additional environmental protection. When the Applicant agrees to these stipulations as conditions for the issuance of the Timberland Conversion Permit, they shall become a part of the plan, either incorporated therein or attached as a supplement thereto.

**GENERAL**

Timberland Owner(s): **Rodney R. Flournoy**

1. The responsible person who may be contacted if different from those given in the Application section.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

2. Have you received professional advice or assistance in planning this conversion?

X Yes    \_\_\_ No. List name and address of people professionally trained in land management who are advising you on this conversion.

Michael Bates RPF #2166  
Cascade Resource Consultants  
P.O. Box 38  
Burney, CA 96013

Michael Goodner RPF #2178  
Cascade Resource Consultants  
P.O. Box 38  
Burney, CA 96013  
530-335-5486

Profession or Occupation- Consulting Foresters

3. Do you have or can you obtain sufficient financial resources to carry out this conversion? X Yes  
\_\_\_\_\_ No

Should the conversion fail or be abandoned do you have or can you obtain sufficient financial resources to return the land to timber production? X Yes \_\_\_\_\_ No

- 4 How will the timber be logged? (Will all or only some trees be cut? Will the area be tractor-logged or cable-logged, etc.?). Describe: **99% of all of the trees will be logged. A few trees will be left for livestock shade. The total area will be tractor-logged.**
6. Slope percent ranges in gradient generally **5% to 50%**. Slopes face generally toward **the west**.
7. Describe special measures to be taken during and after logging, including road and skid road construction, and use to prevent erosion, protect soil, and to protect local streams, ponds, or lakes on or near the conversion area. EXPLAIN IN DETAIL:

**During timber operations, erosion control as required by 14 CCR 934, will be required with the proposed Timber Harvest Plan. Water-breaks will be constructed as per 14 CCR 934.6, following operations and prior to October 15 on skid-trails, temporary roads and landings. Watercourses and Springs will be given the protection required in the Forest Practice Rules. After the completion of logging the harvest area will be grass seeded.**

8. Describe how the area will be prepared for new use after logging. Describe methods of slash disposal and woody vegetation treatment, and any additional land treatment measures that will be taken:

**During the timber harvesting phase of the conversion, un-merchantable tops of trees will be skidded to a disposal areas for burning or chipping. Slash from harvested trees will be either be tractor or handed piled for burning or chipping. In all cases, slash will be treated beyond the requirements of 14CCR 937.2(b), Hazard Reduction. If any slash is chipped, it shall be at the completion of skidding and hauling. Burning shall be done in compliance with local and State laws during a safe seasonal period.**

**After the completion of operations the area will be grass seeded.**

If the conversion fails, or is abandoned for any reason, how will the area be returned to timber growing use to meet the purpose of the Forest Practice Act? Describe land preparation, and seeding or planting measures.

**Timber harvesting and slash treatment will prepare the land for reforestation as per 14 CCR 935.1. If the conversion fails, ponderosa pine seedlings of the proper seed zone and elevation shall be planted on a 15 feet by 15 feet spacing within the cleared and under- stocked areas. Stocking standards shall comply with the Resource Conservation Standard, 14 CCR 923.7 by supporting an average calculated point count of 150 per acre as required for Site IV timberland two years following planting.**

9. Area on which conversion will be completed within five years 259 Acres. Date by which logging will be completed: **November 15, 2012**
10. Date by which final conversion to new use will be completed: **November 15, 2013.**
11. What assurances can you give that this conversion is feasible:

**Mr. Flournoy has been a rancher all of his life. He has operated a successful cattle ranch for over 20 years. He has converted other areas of his property from timberland to grazing land successfully.**

12. Describe the specific plans for development of the new use:

- **Removal of the timber and logging slash**
- **Grass seeding**

List and attach any documents and sketches illustrating or showing proposed new use.

**a. Conversion Plat Map**

**b. Confidential Archaeological Addendum**

**AGRICULTURE-GRAZING**

The following additional information is needed for lands to be devoted to agricultural purposes including grazing.

1. Has the suitability of the soil for the intended agricultural use been determined through examination by and consultation with farm advisors? Soil Conservation District specialists, or other qualified professionals? Yes **X** No \_\_\_ if öyesö, give name and title of specialists and describe findings:

**Matt Driscoll- NRCS (Alturas, CA)**

**Soils within the conversion area were determined to be capable of growing in excess of 1000 pounds of air dry vegetation per acre in an average rainfall year.**

2. Describe the soils now supporting timber or other woody vegetation: (clay, loam, sand, decomposed granite, etc.). loam to stony-loam

Give soil series if known: Bertag-Smarts Families Association, Smarts-Mascamp Families Association, and Smarts-Mascamp-Demasters deep Families Association.

Describe soil treatments necessary or desirable for the new use: (lime, fertilizers, mulch, etc., and rate of application): None

3. How will other woody vegetation left after logging be eliminated? (Check method)  
Mechanical clearing X Chemical eradication \_\_\_\_ Burn X Other (specify):
4. How will natural woody growth be prevented from re-vegetating the area: (Check method)  
Mechanical removal \_\_\_\_ Re-burn X Chemical eradication \_\_\_\_ Other X Grazing.
5. What kind and rate of application of seed or kind and spacing of planting stock will be used?  
Intermediate wheat grass and/or dry-land alfalfa. Seeding will be about 15 – 25 pounds per acre.
6. If conversion is for grazing, what kind and number of livestock are being grazed now on this property? What kind and number of livestock will be grazed after conversion is completed?  
For the past several years commercial beef cattle (Hereford/Durham/Angus-mix) are grazed in this parcel. From about June 1 to August 1 about 100 steers are moved on to this parcel. All animals are removed for one month on August 1 then from September 1 to October 15 about 100 cow & calves are moved in. At the completion of the conversion commercial beef cattle (Hereford/Durham/Angus-mix) will be grazed on this parcel. The number of animals to be grazed will be increased by approximately 75% for an average rainfall year.
7. What water developments exist now on the property? About two miles of irrigation ditches for existing meadow area.
8. What additional water developments are planned for conversion? None
9. What length of fence exists now in connection with the conversion area? Three miles



10. How much additional length of fence will be added in connection with conversion? **About 0.75 miles.**
11. Describe buildings or improvements now on property where conversion is planned: (Residence, barn, other farm structures). **There is a house and barn on the parcel but not within the proposed conversion area.**
12. Describe buildings or improvements to be added in connection with conversion: **None**

### SUBDIVISION

Applicable only for lands in Timberland Production Zone. See Item 8, information page. The following additional information is needed for lands to be devoted to real estate subdivisions:

1. Has Combined Notice of Intention per Section 11010, Business and Professions Code been filed with State Division of Real Estate? Yes \_\_\_ No \_\_\_ If "Yes", DATE FILED:  
\_\_\_\_\_
2. Is area approved for subdivision? Yes \_\_\_ No \_\_\_ If "Yes", by what local governing authority?
3. Name the fire protection jurisdiction in which the subdivision will be (name of incorporated city, fire district, or other, name and describe):
4. Will meeting fire protection standards of the fire protection jurisdiction, or of the safety element of the county or city general plan and county or city ordinance be a condition for county or city approval of the final subdivision map? Yes \_\_\_ No \_\_\_ If not, this may be made a condition of the Timberland Conversion Permit.
5. Provide copy of proposed general development plan and indicate plan is included by "X" \_\_\_\_.

**RECREATION**

The following additional information is needed for lands to be devoted to recreational development:

1. Provided evidence of county or district zoning and approval with this plan, and list copies of document(s) submitted herewith showing such approval:
2. Are documents attached with this conversion plan: Yes \_\_\_ No \_\_\_
3. Does your plan comply with local health and sanitation requirements, and have approval? Yes \_\_\_ No \_\_\_ If "Yes", by what local governing authority?
4. Will your plan meet county road standards, and have county approval of the roads? Yes \_\_\_ No \_\_\_
5. Provide copy of development plan and indicate plan is included by "X" \_\_\_

**WATER DEVELOPMENT PROJECTS**

The following additional information is needed for lands to be devoted to reservoirs or other water development projects:

- i. Is the reservoir to be built and operated for private use or by a government agency?
- ii. If for a public agency, show name of agency:
- iii. If privately owned and operated, do you have a permit, certificate or similar documents from the State (California) Department of Water Resources? Yes \_\_\_ No \_\_\_
- iv. Is a reservoir to be built under the Agricultural Conservation program? Yes \_\_\_ No \_\_\_  
Attach copy of application, document of approval, or copy of evidence of professional planning and design and indicate it is attached by "X":
- v. Provide a map showing the high waterline in relation to your property and indicated map is included by "X": \_\_\_\_\_
- vi. Is a permit to appropriate water required from the State Water Resources Control Board? Yes \_\_\_ No \_\_\_
- vii. If 6 above is "Yes", has application been made? Yes \_\_\_ No \_\_\_
- viii. If 6 above is "Yes", give date of application: \_\_\_\_\_

**MINING**

The following additional information is needed for lands to be devoted to mining purposes:

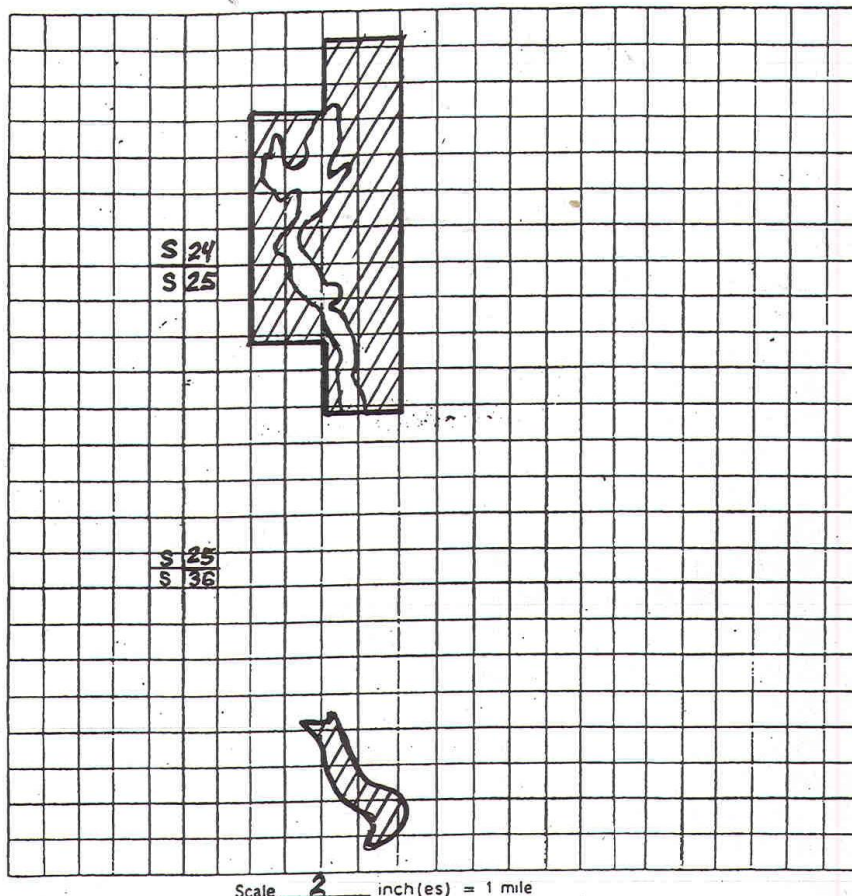
1. Describe kind of material that will be mined or removed:  
Has an assay of feasibility report been made to determine the quality and the economics of the venture? Yes \_\_\_\_ No \_\_\_\_\_. If "Yes" summarize findings:
2. Describe the nature and extent of the necessary surface disturbance:
3. Provide map of proposed development and indicated map is included by "X"
4. Is a county approved reclamation plan required by the Surface Mining and Reclamation Act and county ordinance for this mine? Yes \_\_\_\_ No \_\_\_\_
5. If 4 above is Yes, has the county approved a Reclamation Plan for this mine? Yes \_\_\_\_ No \_\_\_\_ if "No", issuance of the conversion permit may be delayed until the county approves the reclamation plan.

**OTHER**

Complete applicable detail for intended conversion purpose:

1. Describe soils. Give soil series if known: See Soils portion of THP
2. Describe any cultural practices to be followed for soil and vegetation management:
3. Describe any water development: None
4. Describe other management practices intended to maintain the converted use:
5. Provide other pertinent information or attach separated sheets if necessary:

## TIMBERLAND CONVERSION PLAT

Applicant(s) Name(s) RODNEY FLOURNOYSection(s) 24, 25, + 36 Township 40 N Range 14E MD 8 & M

Show section numbers in center of section on plat. Entire plat may be used as one section or as halves of adjoining sections if needed for large scale detail.

Show the conversion area not in a Timberland Production Zone or the Coastal Zone by \_\_\_\_\_



Show the conversion area in a Timberland Production Zone by \_\_\_\_\_



Show the conversion area in the Coastal Zone by: \_\_\_\_\_



(Do not use color shading - it will not photocopy.)

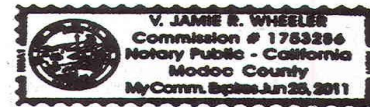
Show the timbered area to be cut for conversion only. (Show to the nearest practical boundaries, such as regular 40 acre land subdivision, main roads, streams, or ridges within your property.)

State of California )  
County of Modoc )

On April 1, 2009 before me, V. JAMIE R. WHEELER, Notary Public, personally appeared Rodney R. Flourney who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

V. Jamie R. Wheeler

OPTIONAL

**Description of Attached Document**

Title or Type of Document: Affidavit - Timberland Conversion Permit Application and Plan Application

Document Date: April 1, 2009 Number of Pages 12

Signer(s) Other Than Named Above: NONE

**Capacity(ies) Claimed by Signer**

Signer's Name: Rodney Flourney Title: Land Owner